

### **REMARKS**

Claims 1-27, 37-60 are pending, with claims 1, 10, 17, 37, 45, and 51 being independent. Claims 28-36, 61-69 have been cancelled. Claims 1, 2, 7, 51, 52, and 60 have been amended to correct minor typographical errors. No new subject matter has been added.

### **Claim Objections**

Claim 2 stands objected for informalities. Claim 2 has been amended to fix a minor typographical error. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 2.

### **35 U.S.C. 112 Rejections**

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Office Action states that the term "the plurality of identifiers" in claim 1 lacks antecedent basis. Applicants have amended claim 1 to recite "a plurality of identifiers" and thus corrected the inadvertent amendment made in the previous response to the Non-Final Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 112 rejection of claim 1.

### **35 U.S.C. 102 Rejections**

Claims 1-27 and 37-60 stand rejected under 35 U.S.C. 102(e) as being anticipated either by Forin (6,594,701) or Bennett (6,963,923).

As an initial matter, Applicants respectfully submit that the Final Office Action fails to establish how "each and every one" of the claimed features is believed to be disclosed by either Forin or Bennett. MPEP § 2131. For example, no reasoning is provided to explain why Forin is believed to disclose the claimed features of claims 1-27 and 37-60. The Final Office Action does not address the specific limitations of claims 1-27 and 37-60 and only provides a conclusory two line rejection that apparently addresses all 50 pending claims. Such omnibus rejection is improper, not informative, and must be withdrawn. MPEP 707.07(d)

Moreover, the Final Office Action does not address claims 10-27 and 38-60 when discussing Bennett. The Final Office Action only applies Bennett to claims 1-9 and 37. Applicants respectfully note that many unaddressed claims have features that are not cumulative to those in the addressed claims. Consequently, many claims that are allowable based on their own merits have not been addressed by the Final Office Action.

In summary, the Final Office Action does not provide Applicants with adequate rationale behind rejections. As such, Applicants cannot reasonably determine which "elements" of the claims are believed to correspond with which feature in the prior art. In other words, Applicants are not put on notice as to the rationale behind the rejection and cannot adequately determine whether such basis is proper. Because reasons for the rejection were not presented in the Final Office Action and Applicants cannot reasonably determine which features of Forin and Bennett are believed to correspond with which feature recited in the claims, it is respectfully submitted that the rejections are improper and must be withdrawn.

#### Forin Rejection

Claims 1-27 and 37-60 stand rejected under 35 U.S.C. 102(e) as being anticipated by Forin (6,594,701).

First, Forin may not be prior art to this Application based on its priority date. This Application claims priority at least to US Patent Application No. 60/068,868 that was filed on 12/24/1997. Forin may possibly have priority to August 4, 1998 based on the provisional 06/095,297, but the Examiner has not established that the '297 provisional application provides adequate support for the August priority date. Therefore, the Examiner has not met his burden in establishing that Forin is a 102(e) reference and the rejection over Forin should be withdrawn at least for this reason.

Second, Forin fails to teach or suggest the limitations of the pending claims. Claim 1 recites, among other features, "in response to the received request, transmitting from the host to the client device a plurality of identifiers for data objects, wherein each identifier is assigned by the host and corresponds to a different one of the data objects to be transferred" and "transferring over a network between the host and client devices a data frame that includes an identifier and at

least a portion of the corresponding data object.” Forin fails to teach or suggest the above limitations.

Forin is directed to a communication system in which the receiver controls how much information it wishes to receive from the sender using the so-called “credits.” See Abstract. The receiver (i.e., client) creates credit lists and sends these credit lists to the sender (i.e., host) via a credit message. Id., Fig. 5 (ST4), Col. 3:20-25. While the sender has sufficient number of credits, it can transmit data to the receiver, but otherwise it has to pause transmission until it gets more receiver-allocated credits. Id. Therefore, Forin discloses an example of client-throttled data transmission mechanism, where the client controls how much information it wants to receive from the server by allocating transmission credits to the server.

In contrast to client-assigned credits of Forin, claim 1 recites that “each identifier is assigned by the host.” Therefore, Forin does not teach or suggest “a plurality of identifiers for data objects, wherein each identifier is assigned by the host” because all credits in Forin are always assigned by the client, not the host. See e.g., Col. 3:20-39.

The Office Action states that “host specifies credits (i.e., identifiers) and transfers frames that include credits and data” Office Action at 3. This is incorrect. As explained above, the host in Forin never specifies credits – the credits are always assigned to the server by the client to control the amount of information the server is allowed to send to the client. See e.g., Col. 3:20-39.

Moreover, Forin does not teach or suggest that credits are actually included in communications from the sender (host) to the client (receiver). Forin only explains that credit messages (82, Fig. 2) are transmitted from the receiver to the sender, while data (84, Fig. 2) is transmitted from the sender to the receiver. See Forin, Fig. 2. Notably, the data messages in Forin do not carry credit information. Id. Therefore, Forin also fails to teach or suggest “transferring over a network between the host and client devices a data frame that includes an identifier and at least a portion of the corresponding data object,” as recited in claim 1.

In summary, Forin fails to teach or suggest “a plurality of identifiers for data objects, wherein each identifier is assigned by the host,” as recited in claim 1. Forin also fails to teach or suggest “transferring over a network between the host and client devices a data frame that includes an identifier and at least a portion of the corresponding data object,” as also recited in

claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claims 10, 17, 37, 45, and 51 similarly describe identifiers that are assigned by the host and are allowable for the same reasons as explained with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10, 17, 37, 45, and 51 and their dependent claims.

### Bennett Rejection

Claims 1-27 and 37-60 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bennett (6,963,923).

Claim 1 recites, among other features, "transmitting a request for a data transfer session from a client device to a host, the request identifying a plurality of data objects to be transferred between the client device and the host." Bennett does not teach or suggest at least this feature.

Bennett describes a multi-component file transfer system in which the client obtains a file profile from the server, the profile identifying all components of the file that the client needs to download from the server. See e.g., Fig. 6. Once the client receives the profile from the server, the client proceeds to individually request each file component specified in the profile from the server:

The process begins at step 260 in response to some control command(s) from the server indicating that a download session involving the file is about to be initiated. In response, the client initiates a request for the profile (x.pro) and transmits this request to the server. This is step 262 in FIG. 6. The server then sends back the profile x.pro, which is step 263 in FIG. 6.

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At this point, the client requests a first component x.1 of the file (as identified by the profile) and transmits this request to the server. At step 268 in the flowchart, the server responds by sending component x.1. Col. 8:48-9:3.

Notably, the initial request from a client to a server in Bennett does not identify "a plurality of data objects to be transferred between the client device and the host," as recited in claim 1. Rather, the client's request only asks the server to transmit back a profile. Id. Thus, at the time of the request, the client does not know which components need to be downloaded from the server. Bennett explains that the actual profile identifying file components is transmitted from the server to the client. Therefore, the profile request sent from the client to the server in

Bennett is not the "the request identifying a plurality of data objects to be transferred between the client device and the host" of claim 1, since the profile request does not identify any objects.

Moreover, each of the client's subsequent requests does not identify "a plurality of data objects" to be transferred between the client device and the host," as each request only asks the server for one component. See Fig. 6, elem. 266 (requesting components X1, X2, ...Xn sequentially).

Thus, Bennett fails to teach or suggest "transmitting a request for a data transfer session from a client device to a host, the request identifying a plurality of data objects to be transferred between the client device and the host," as recited in claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.


Independent claims 10, 17, 37, 45, and 51 similarly describe a request identifying a plurality of data objects and are allowable for the same reasons as explained with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10, 17, 37, 45, and 51 and their dependent claims.

No fees are due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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